

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JERAD JOHN KYNASTON (1),
SAMUEL MICHAEL DOYLE (2),
BRICE CHRISTIAN DAVIS (5),
JAYDE DILLON EVANS (6),
TYLER SCOTT McKINLEY (7),

Defendants.

Case No. CR-12-0016-WFN**CRIMINAL MINUTES****DATE: MAY 31, 2012****LOCATION: SPOKANE**

**SECOND PRETRIAL CONFERENCE
AND MOTION HEARING**

Hon. Wm. Fremming Nielsen			
Joanna L. Knutson	Heather Foe	N/A	Debra Kinney Clark
Courtroom Deputy	Law Clerk	Interpreter	Court Reporter
Russell E. Smoot	Robert R. Fischer for Kynaston (1)		
	George P. Trejo, Jr. for Doyle (2)		
	Mark C. Prothero for		
	David E. Miller for Davis (5)		
	Nicolas V. Vieth for Evans (6)		
Plaintiff's Counsel	Richard D. Wall for McKinley (7)		
	Defense Counsel		

☒ **Open Court**☐ **Chambers**☐ **Telecon**

Defendants (1) and (2) present in custody of United States Marshal; Defendants (5), (6) and (7) all present on bond. All Defendants present with counsel. Roll call taken. The accuracy of each Defendant's name previously checked by Court.

Initial comments by Court summarizing Defendant McKinley's Motion to Suppress Evidence. Mr. Wall addressed the Court noted a Motion to Continue Trial as well as to File Additional Motions was filed after his suppression motion and perhaps the Motion to Suppress could be reset for hearing at a subsequent pretrial conference. Mr. Fischer addressed the Court regarding his Motion for Notice of FRE 404 Evidence as well as informing the Court that he anticipates filing a motion to suppress. Court and counsel discuss a possible new briefing schedule as well as a date for hearing the anticipated additional suppression motion as follows: Motions filed by July 22, 2012, responses by June 29, 2012 with a possible hearing on July 10, 2012 at 1:00 p.m. Mr. Trejo addressed the Court requesting that Mr. Wall's Motion to Suppress be heard today.

Court notes a current trial date of June 25, 2012 with a speedy trial timeout of July 19, 2012 with several Motions pending. Argument presented by Mr. Smoot in opposition to Mr. Wall's Motion to Suppress.

[X] ORDER FORTHCOMING

CONVENED: 9:32 A.M.	ADJOURNED: 10:32 A.M.	TIME: 1:00 HR.	CALENDARED [X]
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United States v. Jerad John Kynaston, et al.

May 31, 2012

Case No. CR-12-0016-WFN

Page 2

Second Pretrial Conference and Motion Hearing

Argument presented by Mr. Wall and Mr. Trejo in support of the Motion. Mr. Smoot presented brief responsive argument. Court expressed its inclination is that the search warrant as well as execution of the warrant were unlawful which suggests that the Motion to Suppress be granted.

Court ruled on Motions as follows:

- GRANTS Defendants' Motion for Notice of Government's Intent to Introduce FRE 404 Evidence at Trial
- RESERVES RULING on Defendants' Motion to Suppress Evidence for the reasons stated on the record
- GRANTS Defendants' Motion to File Additional Motions

Court DENIES Defendants' Motion to Continue Trial, and orders that the current trial date remain as set for the time being and that following issuance of its order on the Motion to Suppress, if a new trial date is required, an additional pretrial conference will be set to reschedule the case and set a new briefing schedule.